

MEMORANDUM FOR: Director of Central Intelligence

68-392/1

SUBJECT : [REDACTED]

1. This memorandum contains a recommendation for your approval in paragraph 8.

2. [REDACTED] is appealing his retirement under the Civil Service Retirement System instead of under the CIA Retirement and Disability System. His request for retirement under the CIA System was refused by the Deputy Director for Plans, to whom he had made a personal appeal. His appeal, addressed to you, is at Tab A.

3. [REDACTED] is a citizen of the United States, and was born 24 March 1905. He has slightly over four years' military service, in addition to which he has served continuously with CIA and its predecessor organizations since 19 December 1946. He has well over seven years' service overseas with the Agency, and has formally accepted the obligation to serve according to the needs of the Agency. He is a member in good standing in the Agency's Career Service. He therefore meets the basic requirements of eligibility to the Agency's Retirement System. However, he has on two separate occasions elected to remain under the Civil Service System in preference to earlier retirement under the Agency System: first in September 1965, and again in December 1966. He now seeks to be included under the Agency Retirement System, in order to take advantage of the increased annuity that it provides. Alternatively, he requests a further extension of two years under Civil Service.

4. We have reviewed [REDACTED] record and the extensive files relating to his retirement status. In summary, it can be said that the various developments in his case relate primarily to his desire to extend his service and the Agency's efforts to firm up the nature of his retirement within the limits of existing policy, while also making some concession in deference to his personal interests. There has been no deception, as alleged by [REDACTED] in his letter of appeal. 25X1A Some of the key developments are summarized at Tab B.

5. We have been advised by the General Counsel (see Tab C) that the Director of Central Intelligence has the authority to retire Mr. [REDACTED] under either the Civil Service or Agency System. It is our opinion, in the light of the circumstances under which [REDACTED] gained an extension of his service under the Civil Service System until near his 63rd birthday, that he should retire in that system. 25X1A

6. [REDACTED] made his election to continue under the Civil Service System primarily to gain an extension of service. If he is permitted to change his mind, after the fact, and revert to the CIA System it

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would constitute something of a compromise of the system. It would also constitute a meaningful precedent for those whose situation is similar to [REDACTED]

7. The above view was also expressed by the DDP. The Director of Personnel stated to us that in his opinion under the circumstances [REDACTED] should be retired under the Civil Service Retirement System.

8. After discussing this case with the Executive Director-Comptroller, notwithstanding [REDACTED] opinion at Tab C, we requested the General Counsel for a further opinion on the likely outcome should [REDACTED] seek to force his inclusion in the Agency's retirement system by court action. Mr. Houston's opinion, at Tab D, concludes that such an action would probably fail.

9. Also attached is a proposed letter from you to [REDACTED], prepared by the General Counsel and in which we concur, advising Mr. [REDACTED] of the denial of his appeal.

It is recommended:

(a) That [REDACTED] appeal be denied and that he be retired as expeditiously as possible;

(b) That you sign the proposed letter to [REDACTED] advising him of this action.

J. S. Earman
Inspector General

Attachments

- Tab A - Appeal of [REDACTED]
- Tab B - Chronology of Key Developments
- Tab C - Opinion of Associate General Counsel
- Tab D - Opinion of General Counsel
- Proposed Letter to [REDACTED]

cc: ✓ Director of Personnel w/att

4 January 1968

Dear Mr. Helms:

The attached letter regarding my retirement was addressed to you in the absence of the DDP. On Tuesday of this week I learned that Mr. Karamessines was back in his office and would see me. Thus I did not deliver the letter to you.

I have just had a talk with Mr. Karamessines. Although he does not support my position, he suggested that I immediately address a note to you. The problem is described in my original letter. I request your consideration.

Most respectfully yours,

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31 December 1967

Dear Mr. Helms:

This letter concerns my retirement. I am bringing this to your attention, for it appears that no one else has either the authority, capability or willingness to do anything about it. According to the law governing the Agency's retirement system, this matter should have been presented to you in the first place. To the best of my knowledge, it never has. Thus, I am carrying this directly to your office, but I am also providing the Deputy Director for Plans and the Chief of my Division with a copy of this letter.

About one year ago, I was extended in service. Although I qualify in every respect for retirement under the Agency system, and, although the law clearly provides for extensions under that system, I was refused such an extension. Among several alternatives presented, I chose retirement under Civil Service. Somewhat later, it was officially brought to my attention by one of the retirement officials, acting in response to a query from the Director of Personnel, that I could indeed be extended under the Agency system. I made it unmistakably clear that that is exactly what I wanted. Believing in the ultimate good faith of the retirement officers, I waited; meanwhile, I missed no opportunity to reiterate my desire and position. Among those with whom I discussed the matter were officials on various levels concerned with retirement matters.

Around the middle of November, I addressed a personal and informal letter to Mr. Karamessines who has always very kindly shown himself to be interested and helpful. This letter provided some background on the matter and described in more detail than I give here the events leading up to the present situation. I am enclosing a copy of this letter, and, although you do not have the time to read it, perhaps some officer on your staff might find it helpful. I am, of course, aware from the inevitable grapevine that knowledge of my letter to Mr. Karamessines has filtered down to several components of the Clandestine Services. However, nothing has happened. Mr. Karamessines has been away and I am now down at the wire and am supposed to retire under Civil Service with the close of 1967.

When called in for final processing last Thursday afternoon, I balked midway through the first phase. Realizing that I was

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determined, the officers with whom I was dealing decided to suspend further processing and instructed me to await a call while they cleared up the matter. On Friday, twenty minutes before close of business, I was instructed to remain away from the office until further notice and to consider myself in a state of retirement. I cannot accept this, for by remaining away from duty I consent to an accomplished fact, I agree that I have no valid case, and I thus forever prejudice the outcome. I do not wish to fall into another trap.

Clearly I have been the victim of a deception. My request to you, sir, is to have the privilege of retiring under the Agency system restored. If for any strange reason now unknown to me, the fulfillment of this request should be impossible, I would regard a further extension under Civil Service for a period of not over two years as an acceptable alternative.

This appeal is my last resort within the Agency. It deeply grieves me, in fact, I cannot suppress strong feelings of distress that my twenty-year-long career with this Agency must come to a close on a note of bitterness for reasons concerned with the present matter and with previous experiences that cannot be expunged from my memory. I regret the necessity for bringing this matter directly to your attention. I shall appreciate your consideration.

Respectfully yours,



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Copy to: DD/P
Chief 

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